

TENNESSEE REGULATORY AUTHORITY

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460 James Robertson Parkway
Nashville, Tennessee 37243-0505

February 9, 2005

Ms. Sonja Johnson-Byers
ComTech21, LLC
One Barnes Park South
Wallingford, Connecticut 06492

In Re: Petition of COMTECH21, LLC and CYBERTEL COMMUNICATIONS for
Approval of Transfer of Assets.
Docket No.04-00164

Dear Ms. Johnson-Byers,

The Tennessee Regulatory Authority ("TRA" or "Authority") has been unable to act on or approve the *Application to Transfer Customer Base* ("*Application*") filed by ComTech 21, LLC ("ComTech") on June 6, 2004. In that *Application*, ComTech asked the TRA to approve a transaction through which ComTech would acquire the customers of Cybertel Communications ("Cybertel"). The *Application*, however, did not provide sufficient information for the TRA to analyze, deny, or approve the request.

On August 9, 2004, the Authority requested that ComTech and Cybertel submit a joint petition signed by authorized representatives of both parties. In addition, the Authority informed you that we have been unable to locate a docket number, a certificate of convenience and necessity ("CCN"), or other proof that Cybertel is authorized to do business in Tennessee. We also requested that you provide to the Authority a contact person for Cybertel. The TRA informed you that the Authority will not be able to approve the petition without the requested information.

To this date the TRA has not received any of the information requested. In the *Application*, in footnote 2, you assert that Cybertel is authorized to provide telecommunications services in Tennessee by virtue of a cited certification letter. Your reference, however, instead relates to an order by which the TRA granted a CCN to Alliance Group Services, Inc. The TRA approved the transfer of Alliance Group's customer base to ComTech by an order dated May 5, 2003 in TRA Docket No. 03-00210. We have been unable to find evidence that Cybertel is authorized to conduct business in Tennessee, is a certificated public utility in Tennessee, or is authorized to provide telecommunication services in Tennessee.

We also have become aware that ComTech 21, LLC currently is not in good standing with the State of Tennessee; ComTech is not authorized to do business in Tennessee, because that authorization was revoked by the Department of Revenue on November 8, 2002. In addition, ComTech has a pending application in TRA Docket No. 04-00057 to expand its CCN to include

facilities-based services. ComTech, however, has twice requested continuances in that docket, first on June 16, 2004, and against on October 1, 2004.

In order to bring this matter to completion, the Authority must receive the information requested on August 9, 2004 and the additional information listed in this letter. Please respond to the following data requests no later than February 17, 2005:

1. Please provide a petition or application signed by both ComTech and Cybertel for the requested transfer of customers.
2. Is Cybertel currently authorized to conduct business in Tennessee? If so, please provide documentation of such authorization.
3. Is Cybertel currently authorized to do business in Tennessee? If so, please provide documentation of such authorization.
4. Is Cybertel a certificated public utility in Tennessee? If so, please provide documentation of such certification.
5. Is Cybertel operating as a telecommunications services provider in Tennessee. If so, please provide information related to such service, including the territory served, customers serviced, services provided, and Cybertel's operational dates.
6. Please describe the telecommunications services offered by Cybertel and whether Cybertel offers only resale services or also facilities-based services. Please comment on the interplay between this matter (the request for a customer base transfer) and ComTech's pending request to expand its CCN.
7. Please provide the name, phone number, and address of a Cybertel representative we can contact regarding this matter.
8. Please provide the most current audited balance sheet and income statement for ComTech.

Please send the original and thirteen copies of your responses to:

Ms Sharla Dillon, Docket Room Manager
460 James Robertson Parkway
Nashville, TN 37243-0505

If you have any questions please contact David McClanahan at 615-741-2904, ext.177.

Sincerely,



Aster Adams, Chief
Competitive Markets & Policy Division

C: Ms. Marie Marcarelli, EVP
ComTech21, LLC
One Barnes Park South
Wallingford, CT 06492

Pat Miller, Chairman
Sharla Dillon, Manager-Docket Room